

Serial No.: 10/600,152

REMARKS

Restriction Requirement

The Examiner calls for an election to one of the inventions of Groups I-VII as elaborated on pages 2-3 of the above restriction requirement. The Examiner indicates that claims 1-29, 33, 37, 86-97, 101 and 103 (to the extent 101 and 103 read on treatment of cancer comprising administering an ErbB2 antibody) link inventions I)-(II. Applicants elect the Group I invention drawn to "methods further comprising administering a chemotherapeutic agent" as in claims 30 and 98. Claim 30 has been incorporated in claim 1, and hence is cancelled as moot. Likewise, claim 98 has been incorporated in claim 86, and therefore is also cancelled as moot. Claim 101 is amended herein to refer to the elected invention of an "anti-ErbB2 antibody," which is subsequently referenced as "the antibody" in that claim. Claim 101 further recites administration of a chemotherapeutic agent as in the Group I invention. Due to the cancellation of claim 30, claims 31, 33 and 34 are amended so as to be dependent on claim 1. In addition, because claim 98 has been cancelled, claim 99 is amended herein so that it depends on claim 86. Claims directed to the nonelected inventions are either amended so that they depend on the elected invention (i.e. claims 31, 32, 34-36 and 99), or are cancelled herein (i.e. claims 38-85, 100, and 102-105). Note that claim 103, to the extent it reads on treatment of cancer comprising administering an ErbB2 antibody, is cancelled as a duplicate of claim 86. Each of these claim amendments is unrelated to patentability.

Species election

The Examiner indicates that if the Group I invention is elected, a species of chemotherapeutic agent listed on pages 14-15 should be elected. Applicants elect the species: paclitaxel (page 15, line 6). Pending claims readable on the elected species include: claims 1-29, 31-33, 36-37, 86-97, 99 and 101.

Specification amendments

The cross-reference paragraph of the specification is amended herein to refer to the issued parent patent.

Further prosecution on the merits is awaited.

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Respectfully submitted,
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Date: May 24, 2006

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